REMARKS

By this amendment, Applicants have canceled claims 14-16, without disclaimer and Applicants reserve the right to pursue them in one or more continuation/divisional applications. This amendment does not add new matter. Applicants respectfully request entry of this amendment and allowance of the pending claims.

I. Rejections Under 35 U.S.C. §103(a)

1. The Examiner rejected claims 1-13 under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 5,139,993 (Schmidt) in view of U.S. Patent No. 6,534,021 (Maus). 2. The Examiner also rejected claims 14-16 under 35 U.S.C. 103(a) as allegedly being unpatentable over Maus in view of U.S. Patent No. 4,916,106 (Koschlig).

With regard to item 2, Applicants have canceled claims 14-16, without disclaimer and Applicants reserve the right to pursue them in one or more continuation/divisional applications. Therefore, this aspect of the rejection is now moot.

With regard to item 1, Applicants respectfully traverse this aspect of the rejection. Applicants respectfully submit that none of the cited prior art references make obvious precoating of the catalyst wherein the catalyst support is a filter catalyst support, which has a porous filter mat as a first partial structure and a non-porous metal foil as a second partial structure. By precoating the catalyst support, Applicants prevent substantial blockage of the porous filter mat. This blockage will cause unwanted reduction in the filter effect and increase exhaust backpressure. Applicants respectfully submit that none of the cited prior art references make these features obvious.

First, Schmidt (cited in the Office Action) discloses putting his dispersion coating on a ceramic monolithic carrier. This substrate does not impair the absorptivity for the coating dispersion. However, when Schmidt's dispersion coating is put on a partial structure of a different substrate as that in claim 1, it actually does impair the dispersion coating and that is why Applicants have a difference in their absorptivity for the coating dispersion. This feature is not apparent from Schmidt. Applicants respectfully submit that one of ordinary skill in the art on reading Schmidt would not take the coating dispersion and apply it to the catalyst support of claim 1 that has at least two partial structures, which differ in their absorptivity for the coating dispersion.

Second, Schmidt merely teaches to employ his dispersion to improve the thermal shock resistance of a ceramic monolithic carrier while the problem in the present application is completely different, namely to avoid excessive coating of a porous partial structure that would impair its function or would even render it completely useless. Accordingly, Applicants respectfully submit that Schmidt is solving a different problem than that of the current inventors and one of ordinary skill in the art would not look to Schmidt to solve the problem that the inventors faced.

Third, Schmidt says nothing about a filter catalyst support, which has a porous filter mat as a first partial structure and a non-porous metal foil as a second partial structure. Schmidt treats all supports the same, as he discloses impregnation of the support without regard to porosity. The Examiner concedes this point in her office action at page 2.

Maus, like Schmidt, does not make the current claims obvious. Maus is directed to a heat-resistant and regeneratable filter body, which can preferably be coated with catalytically active material, for retaining particles from a gas flow flowing through the filter body, and has flow paths for the gas flow. The flow paths are separated from each other and at least a first filter stage and a second finer filter stage are disposed in succession in flow direction in the respective flow paths (See Maus' abstract). Maus does not solve the problem that the inventors of the present application were working on and one of ordinary skill in the art would not go to Maus to solve the problem that the inventors were working on.

In support that Schmidt alone or in combination with Maus does not make the current claims obvious, Applicants enclose herewith a declaration from Dr. Rainer Domesle, an expert in the areas of catalytically active coatings and methods of applying them to carriers and co-inventor of the present application and the Schmidt reference discussing that Schmidt and Maus and the Japanese references (JP 01-270948; JP 2002-180818 and JP 11-324645 equivalent to EP 957241) do not make the currently claimed invention obvious to one of ordinary skill in the art. These Japanese references were previously disclosed on the IDS filed on October 2, 2009. Accordingly, Applicants respectfully submit that the claims cannot be considered obvious over any of the cited references alone or in combination and request that the rejections under 35 U.S.C. §103(a) be reconsidered and withdrawn.

II. Conclusion

Reconsideration and allowance are respectfully solicited

Applicants hereby request a two-month extension of time under 37 CFR 1.136(a) and authorizes the Patent Office to charge Kalow & Springut LLP's credit card for the required fee. No additional fee is believed to be due with respect to filing this amendment. If any additional fees are due, or an overpayment has been made, please charge, or credit, our Deposit Account No. 11-0171 for such sum.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicants' attorney at the telephone number provided below.

Respectfully submitted,

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